

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

**ASHLEY MATTIO and
JESSE MATTIO,**

Plaintiffs,

vs.

JOHN WALLACE,

Defendant.

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Civil Action No. 2:11-CV-232

MOTION IN LIMINE – DEPOSITION
FOR PROOF OF DR. SYDNEY WALLACE

Comes the Defendant, by and through counsel, and moves this Honorable Court for entry of an order prohibiting the Plaintiffs and their counsel from referring to or otherwise introducing portions of the medical deposition for proof of Dr. Sydney L. Wallace taken September 19, 2012. A copy of that deposition has been previously filed in this matter as document 95-2.

Page 11, Line 9 – Page 13, Line 18 only to the extent that Dr. Wallace testifies concerning the purported dates of each record of service. The Defendant concedes that Dr. Wallace has the ability to state the name of the provider from whom the records are received. However, the purported dates of service represent hearsay under Rule 803 of the *Federal Rules of Evidence*.

Page 17, Line 11 – 19. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 18, Line 3 – 16. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 18, Line 23 – Page 19, Line 4. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 19, Line 24 – Page 20, Line 19. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 20, Line 21 – Page 21, Line 12. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 24, Line 3 – Page 25, Line 8. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*. Furthermore, the examination concerning epidural steroid injections exceeds the scope of the expert witness disclosures made in regard to Dr. Wallace.

Page 9, Line 24. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*. Furthermore, the examination concerning epidural steroid injections exceeds the scope of the expert witness disclosures made in regard to Dr. Wallace.

Page 29, Line 5 – 16. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 29, Line 17 – Page 30, Line 15. An objection is made to this excerpt as the examination and opinion exceed the scope of the expert witness disclosures in this case concerning Dr. Wallace.

Page 35, Line 25 – Page 36, Line 9. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Page 36, Line 16 – Page 37, Line 20. This excerpt represents hearsay under Rule 8.03 of the *Federal Rules of Evidence*.

Respectfully submitted,

TRAMMELL, ADKINS & WARD, P.C.

s/ Terrill L. Adkins
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CERTIFICATE OF SERVICE

I hereby certify that on **September 25, 2012**, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the court's electronic filing system.

TRAMMELL, ADKINS & WARD, P.C.

s/ Terrill L. Adkins
Terrill L. Adkins